

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 274

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WOLVES; PROVIDING LEGISLATIVE INTENT; AND AMENDING CHAPTER 24, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-2406, IDAHO CODE, TO PROVIDE THAT AT ANY TIME THE GRAY WOLF SPECIES IS LISTED AS A NONESSENTIAL EXPERIMENTAL, THREATENED OR ENDANGERED SPECIES BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, STATE AGENCIES AND LOCAL GOVERNMENTAL AGENCIES, AND EMPLOYEES THEREOF, SHALL BE PROHIBITED FROM TAKING SPECIFIED ACTION THAT COULD LEAD TO THE ARREST AND PROSECUTION OF ANY PERSON WHO REMOVES OR CAUSES THE INJURY OR DEATH OF A GRAY WOLF IN IDAHO, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO PROVIDE FOR SUSPENSION OF PROVISIONS BY EXECUTIVE ORDER, TO PROHIBIT THE MONITORING OF STATEWIDE MOVEMENT OF WOLVES BY THE IDAHO DEPARTMENT OF FISH AND GAME UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT SPECIFIED PROVISIONS OF LAW SHALL NOT PROHIBIT CERTAIN ACTIVITIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. The Legislature of the state of Idaho declares the following to be the legislative intent of this act:

(1) In 2002, the Fifty-sixth Idaho Legislature approved Senate Concurrent Resolution 134 which approved, upon specified amendment, the Idaho Wolf Conservation and Management Plan, memorialized the official position of the Legislature, as expressed in 2001 in House Joint Memorial 5, to have gray wolves removed from the state of Idaho, but provided in the alternative, to seek delisting of gray wolves from the Endangered Species List so that the management of gray wolves would come under the control of the state of Idaho.

(2) House Joint Memorial 5 of 2001, further stated that "the Canadian gray wolf is not indigenous to the state of Idaho...." Furthermore, given that the gray wolf is not indigenous to the state of Idaho, it was introduced by the Department of the Interior as a nonessential experimental species as defined in the Endangered Species Act.

(3) The Legislature of the state of Idaho understood that the delisting rule required a population objective of ten (10) breeding pairs and one hundred (100) gray wolves for three (3) consecutive years and that by agreeing in the 2002 Idaho Wolf Conservation and Management Plan to fifteen (15) packs the state could manage gray wolves while staying near the population objective of the rule.

(4) Based on data compiled by state and federal agencies, there are now roughly eight hundred fifty (850) gray wolves in the state of Idaho, over eight (8) times the number originally agreed upon prior to introduction.

(5) One (1) of the stated wolf management goals of the Idaho Wolf Conservation and Management Plan of 2002, found on page eighteen (18) of the Plan, is: "The wolf population will be managed at recovery levels that will ensure viable, self-sustaining populations until it can be established that wolves in increasing numbers will not adversely affect big game populations,

1 the economic viability of IDFG, outfitters and guides, livestock producers
2 and others who depend on a viable population of big game animals."

3 (6) This wolf management goal has been thoroughly ignored by the fed-
4 eral government and other parties identified as participants in the federal
5 wolf controversy, such that huge economic impacts have been experienced by
6 the Idaho Department of Fish and Game, livestock producers, outfitters and
7 guides and others who depend on a viable population of big game animals.

8 (7) It is apparent to both the Governor of the state of Idaho and Idaho's
9 Legislature that after seventeen (17) years of the presence of gray wolves in
10 Idaho, all of the planning and agreements have been for naught.

11 (8) The Legislature has always recognized that Idaho citizens have a
12 property right in their businesses and livestock, and that any diminishment
13 in the value of said property by the federal introduction of wolves into the
14 state of Idaho would constitute a taking of that property. The Legislature
15 recognizes that the mismanagement of the gray wolf has exposed the people of
16 Idaho to more frequent human-wolf conflicts, more frequent livestock-wolf
17 conflicts, to wolf-borne diseases, pathogens and parasites dangerous to
18 both humans and animals, additional risks to the health and safety of people
19 engaged in outdoor work and recreation in Idaho and the economic dimin-
20 ishment of certain businesses that are dependent on more recent historic
21 numbers of big game animals.

22 The Legislature also recognizes that it may be necessary for the Gover-
23 nor to rely on the police power of the state to protect Idahoans and their
24 property from unmanaged and excessive numbers of gray wolves.

25 Furthermore, the Legislature recognizes that the cost of the introduc-
26 tion of the gray wolf, and the current expansion of the numbers of gray wolves
27 to over eight (8) times the agreed upon number, constitutes an unfunded
28 mandate to ranchers, farmers, outfitters and any Idahoan who is engaged in
29 outdoor work or recreation in certain areas, and that Idaho's resources have
30 been effectively commandeered by the federal government as Idahoans and
31 their divisions of government attempt to cope with the excessive numbers of
32 gray wolves.

33 (9) The Legislature of the state of Idaho fully supports Idaho Governor
34 C.L. "Butch" Otter's October 18, 2010, letter to Secretary of the Interior
35 Ken Salazar, which states in part: "As you know, Idaho stands ready to manage
36 wolves when the species is once again delisted. Until then, the State will
37 not manage wolves as the designated agent of the federal government. That
38 means the Idaho Department of Fish and Game (IDFG) will not perform statewide
39 monitoring for wolves, conduct investigations into illegal killings, pro-
40 vide state law enforcement in response to illegal takings or implement the
41 livestock depredation response program. Today I join many Idahoans in ques-
42 tioning whether there is any benefit to being a designated agent without the
43 flexibility of a public hunt, which has been denied. Idaho has an approved
44 management plan and has as much flexibility as allowed under federal regula-
45 tions. Moreover, I am unconvinced that continuing as a designated agent gets
46 us any closer to delisting than we are today. My goal remains restoring state
47 management under our approved plan as quickly as possible, if for no other
48 reason than to fulfill the promise of our State law that all wildlife within
49 our borders will be managed by the State."

1 (10) It is the intent of the Legislature that neither the state of Idaho,
2 nor any of its political subdivisions at such time as the gray wolf species
3 is listed as a nonessential experimental, threatened or endangered species,
4 will aid the federal government in the field management of wolves, nor aid
5 the federal government in the investigation or prosecution of a person for
6 removing a gray wolf from the state, or for the injury or the death of a gray
7 wolf.

8 SECTION 2. That Chapter 24, Title 36, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 36-2406, Idaho Code, and to read as follows:

11 36-2406. GRAY WOLVES -- INVESTIGATION, ARREST AND PROSECUTION PROHIB-
12 ITED. (1) At any time that the gray wolf species is listed as a nonessen-
13 tial experimental, threatened or endangered species in Idaho by the United
14 States department of the interior, the Idaho department of fish and game, and
15 all other state agencies and local governmental entities within the state of
16 Idaho, and employees thereof, shall be prohibited from investigating, ar-
17 resting or prosecuting, or assisting any federal authorities or agencies in
18 any way that could lead to the arrest and prosecution of any person who re-
19 moves a gray wolf from Idaho or causes the injury or death of a gray wolf in
20 Idaho. A violation of the provisions of this section shall be punishable by a
21 civil penalty equal to twice the value of the governmental resources used in
22 the prohibited behavior. Provided however, that the governor of the state of
23 Idaho may, by executive order, suspend the provisions of this section for a
24 period of time not to exceed one (1) year.

25 (2) At any time that the gray wolf species is listed as a nonessential
26 experimental, threatened or endangered species by the United States depart-
27 ment of the interior, the Idaho department of fish and game shall not monitor
28 the statewide movement of wolves.

29 (3) Nothing in this section shall prohibit the enforcement of laws that
30 prohibit the use of poisons, the unlawful use of traps or snares, or trespass
31 on private property.

32 (4) Nothing in this section shall prohibit any person from responding
33 to a civil process, nor shall any person be prohibited from any act that will
34 facilitate the delisting of the gray wolf. Nothing in this section shall
35 prohibit any person from working on any effort toward the reduction of the
36 number of wolves in any particular area in Idaho, or working on any control
37 action or anti-depredation measure.